

REMARKS

Claims 1-5, 7-11, 13-28, 30-31, and 33-36 are currently pending in the present application.

The Examiner rejected Claims 1-4, 7-10, 13-28, 30, 31, and 33-36 under 35 U.S.C. 103(a) as being unpatentable over Toriumi (U.S. Patent No. 6,062,868) in view of Aoki (U.S. Patent No. 6,392,134). This rejection is respectfully traversed.

The present application was filed in the U.S. on May 24, 2001, and claims priority under 35 U.S.C. § 119 to Japanese Application Nos. 2000-159694 and 2000-172514. Aoki, on the other hand, was issued on May 21, 2002 and filed in the U.S. on May 22, 2001. Accordingly, Aoki qualifies as a prior art to the present application only under 35 U.S.C. § 102(e). Applicants hereby perfect the claim of priority under 35 U.S.C. 119 by submitting certified English translations of the priority documents, and thereby overcome Aoki as a prior art reference.

Again, as discussed during the telephonic interviews and in the previous communication, Toriumi alone simply does not contain any disclosure of sending content information from a client terminal to a server, as recited in the pending claims. Toriumi also does not teach or suggest converting information received from a client terminal into other information by imparting an additional value to the received information. And, finally, Toriumi does not teach or suggest creating and transmitting musical information on the basis of parameters provided by a client terminal (as recited in Claims 27-36), but instead shows a music piece produced by new melody producing section 1, but not on the basis of any parameters received. Furthermore, Applicants respectfully submit that none of these claimed features are inherent.

The Examiner objected to Claims 5 and 11 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base

claim. In view of the above that the independent claims are in condition for allowance, Applicants respectfully submit that Claims 5 and 11 are in condition for allowance without further amendments.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conversation would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 393032025300. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: July 20, 2004

Respectfully submitted,


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